

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA
 CIVIL DOCKET ENTRIES FOR CASE A76-0132--CV (JKS)
 "STRATMAN VS. BABBITT"

For all filing dates

Presiding Judge: The Honorable James K. Singleton, U.S. District Judge
 Magistrate Judge:
 Referral Rule:
 Filed: Tuesday, January 10, 1995
 Closed:

Document #	Filed	Docket text
222 -	1 04/18/95	DEF 4 Notice of filing three attached afdvts.
223 -	1 04/18/95	DEF 1 motion for extension of time till 5/3/95 to respond to dscvy requests
224 -	1 04/20/95	JAV Order that PTC set for 5/1/95 at 9:30 in open crt, parties statements due 4/27/95. Cy cnsl, CMC
225 -	1 04/20/95	PLF 1 Appeal to 9CCA from denial of prelim. inj. cc: cnsl, Judge von der Heydt, 9CCA.
226 -	1 04/20/95	PLF 1 Transcript Designation/Order Form.
227 -	1 04/21/95	PLF 1 motion for injunction pending appeal w/atch memo & afdvt.
228 -	1 04/24/95	DEF 4 Notice that it does not intend to respond to pleadings fld during pendancy of crt-imposed stay until after the status conf or until crt lifts stay.
229 -	1 04/25/95	DEF 1 Status Report re: further judicial proceedings
230 -	1 04/25/95	Reporters Transcript re: Oral Argument on PLF 1 Motion for Preliminary Injunction; held 04/14/95; EDR Day
231 -	1 04/26/95	cy 9CCA Certificate of Record. cc: cnsl.
232 -	1 04/27/95	PLF 1 Report re: status of case. w/atch afdvt.
233 -	1 04/27/95	DEF 4 Report re: status of case.
234 -	1 04/27/95	DEF 5 Report re: status of case.
235 -	1 05/01/95	JAV Court Minutes [ECR: Linda Christensen] re PTC; cnsl to file any new mot's due in 30 days w/30 days for responses & 14 days for replies, crt directed Mr. Schneider file a stip after discussions are held. Cy cnsl
236 -	1 05/01/95	DEF 4 opposition to PLF 1 motion for injunction pending appeal (227-1) w/atch exhibits.
237 -	1 05/01/95	JAV Order denying motion for injunction pending appeal (227-1) Cy cnsl
238 -	1 05/02/95	cy 9CCA Order re: time schedule. 95-35376.
239 -	1 05/10/95	DEF 1 Notice of lodging of alternative proposed scheduling order pursuant to crt's order of 5/1/95

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240 - 1	05/11/95	JAV Order ptys shall confer & stip or rpt by 5/25/95 on discvy needed for threshold issues only; all other discvy stayed [terminating in light of this order: motion for extension of time till 5/3/95 to respond to dscvy requests (223-1)] Def's brief due 6/1/95, oppos due 7/1/95, reply due 7/14/95 cc:cnsL.
241 - 1	05/17/95	HRH Minute Order reassigning case to Judge Singleton per random assignment; parties to use case number A76-0132-CV (JKS). cc cnsL, Judge von der Heydt, Judge Singleton
242 - 1	05/25/95	PLF 1 Report re:status of dvry and disputes related thereto.
243 - 1	05/25/95	PLF 1 motion for compelling discovery
244 - 1	05/31/95	JKS Minute Order that dvry conf set for 6/2/95 at 1:15pm. cc cnsL
245 - 1	06/01/95	DEF 4 motion to dismiss for lack of subject matter jurisdiction with att/memo and exhbt.
246 - 1	06/01/95	DEF 4 motion for summary judgment re: congressional ratification of status as a validly certified Native Village Corporation w/att exhbt.
247 - 1	06/01/95	DEF 4 motion to expunge Lts Penders re: D-415 property w/att memo and exhbt.
248 - 1	06/01/95	DEF 4 motion for s/j re: preclusive effect of Stratman's stlmnt w/Koniag, Inc. with att/memo
249 - 1	06/01/95	DEF 1 motion for summary judgment on threshold issues with att exhbt.
250 - 1	06/01/95	DEF 5 motion for s/j re: sect 1427 Ak Nat'l Interest Lands Conservation Act with att memo, aff and exhbts.
251 - 1	06/01/95	DEF 5 motion for s/j re: 1990 stlmnt agreement w/att memo and exhbt
252 - 1	06/06/95	JKS Court Minutes [ECR: Jan Welch] re: dvry conf [6/2/95]; crt hrd proposed stip; crt to issue order. cc cnsL
253 - 1	06/07/95	PLF 1 Notice of lodging order re compelling production.
254 - 1	06/08/95	DEF 1 Report (stipulates) re: threshold issue number four of court order (5-11-95) w/regard to Section 1427 (ANILCA).
255 - 1	06/09/95	JKS Order granting motion for compelling discovery (243-1); parties ordered to produce, respond or otherwise provide

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256 - 1	06/15/95	PLF 1 Notice of Filing Administrative Record and Documents w/attach exhbts.
257 - 1	06/30/95	PLF 1 opposition to DEF 4 motion to expunge Lis Pendens re: [REDACTED] property (247-1)
258 - 1	06/30/95	PLF 1 opposition to DEF 4 motion for summary judgement (207-1)
259 - 1	06/30/95	PLF 1 opposition to DEF 4 motion for s/j re: preclusive effect of Stratman's stlmt w/Koniag, Inc. with att/memo (248-1), DEF 5 motion for s/j re: 1990 stlmt agreement w/att memo and exhbt (251-1)
260 - 1	06/30/95	PLF 1 opposition to DEF 4 motion for summary judgment re: congressional ratification of status as a validly certified Native Village Corporation (246-1), DEF 5 motion for s/j re: sect 1427 Ak Nat'l Interest Lands Conservation Act (250-1) w/att exhs.
261 - 1	07/06/95	PLF 1 Notice of filing original aff of O. Stratman re: plft memo in opp to mots for s/j re: 1990 Koniag Stlmt Agreement. w/att aff.
262 - 1	07/06/95	Stipulation and Order [notice to the court re: clerical error] that plft file responses to 4 of the 5 threshold issues by COB 6/30/95; plft to file response to the 'exhaustion' issue by COB 7/17/95; rply to be filed 8/22/95. cc cnsl
263 - 1	07/17/95	JKS Order denying motion to expunge Lis Pendens re: [REDACTED] property (247-1); cc: cnsl
264 - 1	07/17/95	PLF 1 motion for extension of time of 7 days to file memorandum in opposition to Leisnoi's mot re: exhaustion of administrative remedies. w/att aff.
265 - 1	07/20/95	PLF 1 reply to opposition to PLF 1 motion for extension of time of 7 days to file memorandum in opposition to Leisnoi's mot re: exhaustion of administrative remedies. w/att aff. (264-1)
266 - 1	07/21/95	DEF 4 motion for reconsideration of court order dtd 7/17/95
267 - 1	07/24/95	PLF 1 Supplement re: PLF 1 motion for injunction pending appeal (227-1)
268 - 1	07/24/95	PLF 1 opposition to DEF 4 motion to dismiss for lack of subject matter jurisdiction with att/memo and exhbt. (245-1), DEF 1 motion for summary judgment on threshold

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		issues with att exhbt. (249-1)
266 - 2	07/25/95	JKS Order denying motion for reconsideration of court order dtd 7/11/95 (266-1) cc cnsi
269 - 1	07/25/95	DEF 4 motion to strike overlength, late opposition to motions to dismiss for failure to exhaust administrative remedies w/att memo..
270 - 1	07/26/95	DEF 4 motion for 60dy stay of all proceedings w/att memo & exhbts.
271 - 1	07/26/95	Motion for shorten time re: motion for 60 dy stay of proceedings
272 - 1	07/27/95	JKS Order denying motion for shorten time re: motion for 60 dy stay of proceedings (271-1) cc cnsi
273 - 1	07/31/95	DEF 4 opposition to PLF 1 motion for extension of time of 7 days to file memorandum in opposition to Leisnoi's mot re: exhaustion of administrative remedies.w/att exhbt. (264-1)
274 - 1	07/31/95	DEF 4 Errata to oppo [#273] re: PLF 1 motion for extension of time of 7 days to file memorandum in opposition to Leisnoi's mot re: exhaustion of administrative remedies (264-1)
275 - 1	08/01/95	PLF 1 opposition to DEF 4 motion to strike overlength, late opposition to motions to dismiss for failure to exhaust administrative remedies (269-1)
276 - 1	08/02/95	PLF 1 opposition to DEF 4 motion for 60dy stay of all proceedings w/att aff. (270-1)
277 - 1	08/04/95	DEF 4 Errata re: DEF 4 motion for 60dy stay of all proceedings w/att exhbts. (270-1)
278 - 1	08/08/95	DEF 4 reply to opposition to DEF 4 motion for 60dy stay of all proceedings w/att exhbts. (270-1)
279 - 1	08/09/95	Transcript of pretrial conf held 5/1/95.
280 - 1	08/09/95	DEF 4 reply to opposition to DEF 4 motion to strike overlength, late opposition to motions to dismiss for failure to exhaust administrative remedies w/att exhbts. (269-1)
281 - 1	08/14/95	DEF 4 reply to opposition to DEF 4 motion for summary judgment re: res judicata & collateral estoppel (207-1)

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282 - 1	08/21/95	Unopposed Motion for ext of time till 9/6/95 for fed deft to rply to plft oppo to fed deft's mot for summary judgment. cc cnsl
283 - 1	08/22/95	PLF 1 Supplemental oppo re: DEF 4 motion for 60dy stay of all proceedings w/att exhbts. (270-1)
284 - 1	08/22/95	DEF 4 joinder in replys to oppo of plft by Koniag, Inc and Fed. deft re: dkt # 245, 246, & 248.
285 - 1	08/22/95	DEF 4 reply to opposition to motion to expunge lis pendens w/att exhbt.
286 - 1	08/23/95	DEF 5 motion to accept late filed briefs w/ proposed reply to mot for SJ re settle agreemnt & reply to mot for SJ per sec 1427 of ANILCA, attached.
287 - 1	08/23/95	DEF 5 Request for Oral Argument re: DEF 5 motion for s/j re: sect 1427 Ak Nat'l Interest Lands Conservation Act (250-1), DEF 5 motion for s/j re: 1990 stlmnt agreement (251-1).
288 - 1	08/24/95	DEF 4 reply to opposition [supplemental response] to DEF 4 motion for 60dy stay of all proceedings w/att exhbts. (270-1)
289 - 1	08/25/95	PLF 2 motion to withdraw of counsel upon consent
290 - 1	09/06/95	DEF 1 reply to opposition to DEF 1 motion for summary judgment on threshold issues with att exhbt. (249-1)
291 - 1	09/06/95	PLF 1 Notice of filing certified cipy of Kodiak Island Borough Resolution No. 95-36.
292 - 1	09/13/95	JKS Order denying motion for summary judgement (207-1), motion to dismiss for lack of subject matter jurisdiction (245-1), motion for summary judgment re: congressional ratification of status (246-1), motion for s/j re: preclusive effect of Stratman's stlmnt w/Koniag, Inc. (248-1), motion for summary judgment on threshold issues (249-1), motion for s/j re: sect 1427 Ak Nat'l Interest Lands Conservation Act (250-1), motion for s/j re: 1990 stlmnt agreement (251-1), motion to strike overlength, late opposition to motions to dismiss for failur (269-1), motion for 60dy stay of all proceedings (270-1); granting motion for extension of time of 7 days to file memorandum in opposition to (264-1), motion to accept late filed briefs (286-1) ;request for o/a at skt # 287 is denied; this case is remanded to the administrative agency for consideration not inconsistent with this order. cc cnsl

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293 - 1	09/13/95	DEF 5 reply to opposition to mot for s/j pursuant to the 1990 slmt agreement.
294 - 1	09/13/95	DEF 5 reply to opposition to mot for s/j pursuant to section 1427 of ANILCA
289 - 2	09/14/95	JKS Order granting motion to withdraw of counsel upon consent (289-1) cc cns1
295 - 1	09/15/95	PLF 1 motion for status conference to discuss the form and substance of the courts order of remand to IBLA.
296 - 1	09/20/95	DEF 5 Address Change Notice of law firm
297 - 1	09/21/95	DEF 5 motion for reconsideration of the Court Order on 9/12/95 denying Koniag motion for summary judgment w/att memo
298 - 1	09/22/95	JKS Order that all parties wishing to do so should set out their factual and legal views on the issues re: dkt # 295 in a position paper and file by 10/23/95; after reviu the court will decide whether a further conf will be worthwhile. cc cns1
299 - 1	09/28/95	JKS Order denying motion for reconsideration of the Court Order on 9/12/95 denying Koniag motio (297-1). cc cns1
300 - 1	10/17/95	DEF 5 motion to amend order of 9/28/95 to include satement prescribed by 28:1292[b]
301 - 1	10/19/95	DEF 4 non-opposition to DEF 5 motion to amend order of 9/28/95 to include satement prescribed by 28:1292[b] (300-1)
302 - 1	10/23/95	DEF 4 Report re: position papers re: court order 9/22/95 with att exhbts.
303 - 1	10/23/95	DEF 1 opposition to PLF 1 motion for status conference to discuss the form and substance of the courts order of remand to IBLA. (295-1) with att exhbts.
304 - 1	10/23/95	PLF 1 Report re: position paper re; court order of 9/22/95 with att exhbts.
305 - 1	10/23/95	DEF 5 opposition to PLF 1 motion for status conference to discuss the form and substance of the courts order of remand to IBLA. (295-1) .
306 - 1	10/27/95	DEF 4 Report[notice] re: position vis-a-vis plaintiff's so-called positon paper.

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307 - 1	11/01/95	PLF 1 opposition to DEF 5 motion to amend order of 9/28/95 to include satement prescribed by 28:1292(b) (300-1)
308 - 1	11/08/95	DEF 5 reply to opposition to DEF 5 motion to amend order of 9/28/95 to include satement prescribed by 28:1292(b) (300-1) w/att exhbts

309 - 1 11/21/95 JKS Order denying motion for status conference to discuss the form and substance of the courts (295-1), motion to amend order of 9/28/95 to include satement prescribed by 28:1292(b) (300-1); clk to enter judgment remanding this case to the IBLA to determine if Lesnois is a phantom Village. cc chst (Judgement forwarded to Judge)

310 - 1 11/21/95 JKS Judgment remanding this case to IBLA. cc chst 0/J 9693

1 Roger E. Henderson
2 805 West Third Avenue
3 Suite 200
4 Anchorage, Alaska 99501
5 Phone: 272-1527

6 Attorney for Plaintiffs

FILED

5 1977

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
by 10c Date

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ALASKA

10 OMAR STRATMAN, TONI BURTON,
11 JOHN MURRAY, MICHAEL DEVERS,
12 JAMES SCHAUFF, and BRIAN SHAFFORD,
13 Plaintiffs,

14 vs.

15 THOMAS S. KLEPPE, Secretary of the
16 Interior, ANTON LARSEN, INC., BELLS
17 FLATS NATIVES, INC., LEISNOI, INC.,
18 and KONIAG, INC., REGIONAL NATIVE
19 CORPORATION,

20 Defendants.

No. A76-132 Civil

AMENDED
COMPLAINT

21 For cause of action, plaintiffs, by and through their
22 attorneys, HOUSTON & HENDERSON, complain and allege as follows:

23 I.

24 The defendant, Secretary of the Interior, (hereinafter
25 referred to as the Secretary) is required by the Alaska Native
26 Claims Settlement Act, 43 U.S.C.A. §1610 (b)(3) to find native
27 villages eligible to receive land conveyances provided that
28 twenty-five or more Alaska Natives were residents of an estab-
29 lished village on the 1970 census enumeration date.

30 II.

31 The alleged villages of Antol Larsen Bay, Bells Flats,
32 and Woody Island (Leisnoi) were not established villages on the

-1-

HOUSTON & HENDERSON
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
805 WEST THIRD AVENUE
ANCHORAGE, AK 99501
TELEPHONE 272-1527

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1 1970 census enumeration date, nor did they at that time have
2 twenty-five or more Natives as residents. Notwithstanding
3 these facts, the defendant corporations of Anton Larsen, Inc.,
4 Bells Flats Natives, Inc., and Leisnoi, Inc., (hereafter referred
5 to as Village Corporations) were formed for the purpose, in
6 part, of receiving title to Federal lands pursuant to the Act on
7 behalf of Anton Larsen Bay, Bells Flats, and Woody Island
8 respectively.

9 III.

10 Despite the ineligibility of Anton Larsen Bay, Bells
11 Flats, and Woody Island by the statutory criteria to receive
12 Federal land under the statute, the Village Corporations have
13 made tentative selections from the public domain on Kodiak
14 Island, Woody Island and nearby areas, and have petitioned the
15 Secretary for patent to the lands selected.

16 IV.

17 Defendant KONIAG, INC., REGIONAL NATIVE CORPORATION
18 has or claims to have a mineral interest in all lands referred to
19 in paragraph III above in the event that patent as requested is
20 granted by the Secretary.

21 V.

22 Plaintiffs Omar Stratman and Toni Burton each own
23 grazing leases initially issued by the United States pursuant
24 to 45 U.S.C.A §471. All or a portion of the lands under said
25 leases were selected by the State of Alaska for patent to it
26 under the Alaska Statehood Act. By operation of State Statute,
27 grazing leases issued by the United States for lands which are
28 subsequently selected and patented to the state are subject to
29 renewal at the option of the lessee upon the lease expiration
30 date under identical terms and conditions. Such option to
31 renew constitutes a valuable property right in plaintiffs

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1 Omar Stratman and Toni Burton.

2 VI.

3 All or portions of the lands under said grazing leases
4 which had been selected by the State of Alaska have now been
5 selected by the Village Corporations for patent to them. If
6 such patents are issued in violation of 43 U.S.C.A. §1610 (b)(3),
7 property rights of Omar Stratman and Toni Burton will be
8 terminated because the State of Alaska will not receive patent
9 to the subject lands which it has already selected. The
10 termination of these rights will constitute grave and irreparable
11 injury to the plaintiffs, and plaintiffs will each be damaged
12 in an amount exceeding \$10,000.00.

13 VII.

14 Plaintiffs Omar Stratman and Toni Burton each own
15 an interest in a slaughter-house facility situated upon land
16 which has been selected by defendant Leisnoi, Inc. for patent
17 to it. Prior to said selection by the Village Corporations,
18 the land in question had been selected by the State of Alaska
19 and tentatively approved by the Secretary for patent. The
20 state, after its selection, released its rights in said lands to
21 the Kodiak Island Borough which in turn gave a quit-claim to
22 the owners of the slaughter-house facility, including plaintiffs
23 Stratman and Burton. If patents are issued to the Village
24 Corporations in violation of 43 U.S.C.A. §1610 (b)(3), existing
25 property rights of plaintiffs Stratman and Burton will be
26 terminated, said termination causing grave and irreparable
27 injury to plaintiffs and damaging them in an amount exceeding
28 \$10,000.00.

29 VIII.

30 All individual plaintiffs presently make extensive use
31 of lands in the public domain on Kodiak Island and Woody Island

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